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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

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6 BYRD GARY DARNELL, an individual,

Case No. 2:14-cv-02010-RFB-VCF

7
8 Plaintiff,

ORDER

9 v.

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11 SELECT PORTFOLIO SERVICING, INC.; and
12 DOES 1 through 20,

13 Defendants.
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15 Before the Court is a Motion to Expunge *Lis Pendens* by Defendant Select Portfolio
16 Servicing, Inc. (ECF No. 11).

17 Defendant filed a petition for removal on December 3, 2014. (ECF No. 1). Defendant filed
18 a Motion to Expunge *Lis Pendens* on February 24, 2014. (ECF No. 11). On March 14, 2015,
19 Plaintiff filed a Motion to Amend/Correct Complaint. (ECF No. 14). The Court granted Plaintiff's
20 Motion to Amend on August 14, 2015. (ECF No. 25).

21 Because the Court has given the Plaintiff until September 4, 2015 to amend his complaint,
22 the Court cannot make an ultimate determination as to the validity of the action until the Amended
23 Complaint has been filed and evaluated by the Court pursuant to a motion.

24 **IT IS ORDERED** that Defendant's Motion to Expunge *Lis Pendens* is denied without
25 prejudice.

26 DATED: September 1, 2015.

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RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE